

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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U.S. DISTRICT COURT
GREENVILLE, S.C.

A.Z.A., a minor, by his next friend and parent
AKESHIA M. FOGGIE,

Plaintiff,

-against-

THORNWELL CHARTER SCHOOL, and
CHARTER INSTITUTE AT ERSKINE, INC.

Defendants.

Case No. _____

COMPLAINT FOR CIVIL CASE

JURY DEMANDED

**PLAINTIFFS' COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, DISCRIMINATION, AND EMOTIONAL
DISTRESS**

COMES NOW, Plaintiff, A.Z.A., a minor, by his next friend and parent Akeshia M. Foggie (hereinafter "Plaintiff"), sues Defendant, Thornwell Charter School (hereinafter "Defendant") and Defendant, Charter Institute at Erskine, Inc. (hereinafter "Defendant"), and in support thereof allege as follows:

I. PARTIES

- A. A.Z.A., a minor, by his next friend and parent Akeshia Foggie (Plaintiff) is an individual residing in Laurens, Laurens County, South Carolina.
- B. Thornwell Charter School (Defendant) is an incorporated non-profit business formed under the laws of South Carolina and conducts business in Clinton, Laurens County, South Carolina.
- C. Charter Institute at Erskine, Inc. (Defendant) is an incorporated non-profit business formed under the laws of South Carolina and conducts business in Columbia, Richland County, South Carolina.

II. JURISDICTION AND VENUE

- A. This Court has subject matter jurisdiction based on complaint arising under a federal law, 28 U.S.C. § 1331.

- B. This Court has supplemental jurisdiction of Plaintiff's state law claims arising out of a common nucleus of operative facts with those from which the federal claims arise.
- C. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 b and c.

III. STATEMENT OF CLAIM

- A. During the school year 2021-2022, Plaintiff, A.Z.A., was a third-grade disabled student at Thornwell Charter School, part of Charter Institute at Erskine, Inc. school district.
- B. Beginning early September 2021, Defendant, Thornwell Charter School, begin documenting Plaintiff's, A.Z.A., behavioral issues.
- C. September 15, 2021, a behavior contract for Plaintiff, A.Z.A., was put in place by Defendant, Thornwell Charter School.
- D. About October 13, 2021, Plaintiff, Akeshia M. Foggie, inquired about accommodations to be put in place due to A.Z.A.'s disabilities.
- E. On November 11, 2021, a 504 Plan was implemented.
- F. After the 504 Plan was implemented, Plaintiff, A.Z.A., continued to struggle.
- G. During the 2021-2022 school year, Plaintiff, A.Z.A., was suspended 10 or more school days.
- H. On March 21, 2022, the Defendant, Thornwell Charter School, held a Manifestation Determination meeting, before discussing Placement.
- I. The Defendant, Thornwell Charter School, failed to comply with their procedures listed in the handbook.
- J. On March 21, 2022, the Defendant, Thornwell Charter School held a Manifestation Determination meeting that resulted in "No" and the Plaintiff, A.Z.A., was suspended for 5 days with the intent to return to school the following Monday.
- K. On about March 25, 2022, the Plaintiff, Akeshia M. Foggie, requested information on appealing the Manifestation Determination decision.
- L. The Defendant, Thornwell Charter School, had no knowledge of an appeals' process.

- M. The Plaintiff was deprived the opportunity for due process to appeal the Manifestation Determination.
- N. On March 25, 2022, the Plaintiff, Akeshia M. Foggie, learned that A.Z.A. had been recommended for expulsion and could not return to school.
- O. Plaintiff, Akeshia M. Foggie, reached out to the school several times about more help for A.Z.A. throughout the 2021-2022 school year.
- P. The Defendant, Thornwell Charter School, did not give Plaintiff, A.Z.A., any help regarding the issues he was having.
- Q. As a direct and proximate result, the Defendant, Thornwell Charter School, violated their "Child Find" duty.
- R. The Defendants, Thornwell Charter School and Charter Institute at Erskine, Inc., failed to give notice, nor schedule an expulsion hearing.
- S. The Defendants, Thornwell Charter School and Charter Institute at Erskine, Inc., violated Plaintiff, A.Z.A., civil rights for due process.
- T. On about June 27, 2022, the Plaintiff, Akeshia M. Foggie, viewed school footage from March 16, 2022.
- U. The footage shows Plaintiff, A.Z.A., being treated less favorable.
- V. The Defendant, Thornwell Charter School, exemplified direct disability discrimination.
- W. The Defendant, Thornwell Charter School, has exemplified indirect discrimination by requiring Plaintiff, A.Z.A., to meet certain criteria on different occasions throughout the 2021-2022 school year that put him at a disadvantage.
- X. The Defendant, Thornwell Charter School, performed reckless decision making during the 2021-2022 school year, causing the Plaintiff, A.Z.A., severe mental and emotional distress.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgement against Defendants awarding the following:

- A. A declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 that the Defendants have deprived Plaintiff of due process in violation of the Fourteenth Amendment and 42 U.S.C. § 1983;
- B. Compensatory damages, jointly and severally, from all Defendants;

- C. Punitive damages against the Defendants within constitutional limits;
- D. Cost of suit;
- E. Pain and suffering; and
- F. For such other and further relief as the Court deems just and proper.

V. CERTIFICATION and CLOSING

- A. Respectfully submitted on this 10th day of August 2022,

By:

Akeshia M. Foggie

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Pro-se Plaintiff